IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 17433 of 2006(A)

AGAINST THE ORDER DATED 19/6/06 IN IA 599/2006 IN OS.187/2000 of MUNSIFF'S COURT, ATTINGAL

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PETITIONER:

NARAYANIKKUTTY WARASYAR,
VALIYAVILA VEEDU, T.B. JUNCTION, ATTINGAL,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.M.R.RAJESH

RESPONDENTS:

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1. RAMACHANDRAN, KANNANKARAKONATHU MANGAVILA VEEDU (R.V. NIVAS) T.B. JUNCTION, ATTINGAL, THIRUVANANTHAPURAM DISTRICT.

2. BHASKAR, VALIYAVILA VEEDU, T.B.JUNCTION, ATTINGAL, THIRUVANANTHAPURAM DIST.

R1BY ADV. SRI.J.JAYAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.17433/06

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF PLAINT IN O.S.187/2000 OF MUNSIFF'S COURT, ATTINGAL.

EXT.P2 - TRUE COPY OF WRITTEN STATEMENT OF RESPONDENT IN EXT.P1 SUIT.

EXT.P3 – TRUE COPY OF I.A.599/06 IN O.S.187/2000 OF MUNSIFF'S COURT, ATTINGAL.

EXT.P4 – TRUE COPY OF OBJECTION TO EXT.P3.

EXT.P5 – TRUE COPY OF ORDER DT.19.6.06 DISMISSING EXT.P3 PETITION.

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C)No.17433 OF 2006

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DATED THIS THE 11th JULY, 2007

J U D G M E N T

This Writ Petition is remaining defective on the reason that the 2nd respondent is not served. But I notice that the 2nd respondent was only a co-defendant along with the 1st respondent who has entered appearance before this Court.

2. The order under challenge in this Writ Petition under Article 227 is Ext.P5. I am not persuaded to agree that Ext.P5 is vitiated to the extent of justifying interference by this Court in the visitorial jurisdiction, at this stage. I permit the petitioner to cross-examine the advocate commissioner who has already submitted a report in the case and also to adduce whatever evidence she wants to against that commissioner's report and in support of her averments in the affidavit filed along with I.A.No.599 of 2006. After the entire evidence has come on record in the suit, the petitioner is permitted to file an application seeking review of Ext.P5 order and the court below will consider that application and pass appropriate orders before final judgment is delivered in the suit.

The Writ Petition is disposed of as above.

TGL **(PIUS C.KURIAKOSE, JUDGE)**